

**Statement of Mark Laven
President and CEO, Latham International
on behalf of
The Association of Pool & Spa Professionals
U.S. Senate Committee on Commerce, Science and Transportation
Subcommittee on Consumer Affairs, Product Safety & Insurance**

May 3, 2006

Chairman Allen and distinguished members of the Subcommittee:

My name is Mark Laven, President and CEO of Latham International, the leading manufacturer of in-ground swimming pools in North America. Latham is a 50 year-old company with 1200 employees at 20 manufacturing locations in the U.S. and Canada. Like many in the pool and spa industry, I am the third generation of my family to be associated with my company, and with the industry. In many ways, we are a family-oriented industry.

Today, I am testifying on behalf of The Association of Pool & Spa Professionals, APSP, the international trade association of the pool and spa industry. In this regard, when I use the term “we,” I am referring to APSP and the industry as a whole, not my company. We, collectively, thank the Subcommittee for holding this hearing, highlighting the critical importance of pool safety, particularly during National Safe Kids Week. We have participated in events sponsored by Safe Kids Worldwide and others to educate caregivers on pool safety measures. Safety is a core belief and commitment of this industry, and we appreciate the opportunity to participate here today.

Our industry touches millions of people. In this country alone, there are approximately 4.7 million in-ground pools, many with adjoining spas, 3.6 million above-ground pools, and 5.4 million portable hot tubs in use today.

Briefly, APSP, formerly NSPI, the National Spa and Pool Institute, is headquartered in Alexandria, Virginia, and has approximately 4500 members, largely in North America. Its members are comprised of pool, spa and equipment manufacturers, builders, distributors, retailers and service companies, and their employees. Associated members include public health officials, building code officials and others with an interest in the pool and spa industry, and aquatics in general. Membership is voluntary, but all members agree, by a Code of Ethics, “to contribute to the health, safety and welfare of the public in the installation, maintenance and operation of swimming pools, spas and hot tubs, and to comply with applicable laws, ordinances and regulations.”

Since its inception, APSP has been committed to promoting the safe and enjoyable use of pools and spas, as have many of its members, including my own firm, Latham International. In this statement, I’d like to summarize how we carry out this commitment. Additional detail is provided in the Appendix we have submitted for the record.

APSP and the industry promote safety by advocating widespread use of pool and spa Standards approved by ANSI, the American National Standards Institute, and by education, training and disseminating safety information.

ANSI-Approved Pool and Spa Standards

Currently, APSP and the industry support comprehensive pool and spa construction and design Standards. These Standards are developed in accordance with the rigorous third-party consensus review process of ANSI. Eight Standards are in effect, and one additional Standard is pending. A principal purpose of these Standards is the prevention of three major concerns of pool safety-- drownings, diving accidents and suction entrapment.

The ANSI Standards are continually reviewed and revised to reflect new methods and technologies that enhance safety. We advocate their widespread use within the industry, and we continue to promote their adoption by state and local officials.

Education and Safety Information

We emphasize safety in many educational settings, at national and local levels both within and outside of the industry. APSP has developed comprehensive educational manuals and offers training and certification in both pool construction and servicing.

Recognizing the critical need to deliver safety information directly to pool and spa owners and parents, APSP's consumer awareness and public outreach programs feature a wide array of brochures and publications, with titles like "Important Safety Information" and "Children Aren't Waterproof." All of these are available to the public at no charge by calling 800.323.3996, APSP's toll-free consumer contact number.

Four related APSP websites further extend safety outreach to the public. **TheAPSP.org**, **PoolPeopleUSA.com** and **HotTubLiving.com** all contain important water safety information, and a special site for kids, **SplashZoneUSA.com**, teaches water safety with online fun and games. Safety is also highlighted in TV and radio public service announcements.

Many individual companies within the industry, including my own, emphasize safety repeatedly through our own websites, company training and customer education programs, publications, sales literature, product packaging and safety signage.

Of course, the purpose of all these efforts is to prevent accidents and fatalities from occurring. It would be ideal if we could guarantee safety in all instances. In reality, we cannot; no industry can make that guarantee. For example, all the precautions in the world will not protect an intoxicated person who dives recklessly, head-first, into the shallow end of a pool. Statistics do tell us, however, that while pool and spa use is rising, the rate of drownings is declining, and we believe that public awareness education is a major contributing factor. However, this is no comfort when a tragic loss occurs. Our goal remains to help make sure that each and every person who enjoys the use of pools and spas does so safely.

Finally, I'd like to conclude with a few comments about safety products, devices and methods. Our industry is young and vibrant. New ideas for safety products and features are being developed all the time.

To mandate any one device or method has the potential to create a false sense of security and to "freeze" one solution in place at the expense of new and better alternatives that may become available. Consumers must be allowed to benefit from safety innovation.

Moreover, a safe pool environment involves *many* factors, in combination, and "one size does not fit all" when it comes to responsible pool ownership.

Mr. Chairman, for decades swimming has remained the most popular form of exercise and recreation in America. Pools and spas are like many things we use and enjoy everyday: built, maintained and used properly, they are tremendously beneficial; however, built, used or maintained improperly, they can be dangerous. Safety is critical to our industry and will always be our utmost concern. We will continually work to promote, and work with others to promote pool and spa safety.

Thank you, Mr. Chairman. I look forward to responding to any questions you or other members of the Subcommittee may have.